

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SHERITA LEE,
Plaintiff,
v.
DAMONICA BANKS,
Defendant.

Case No.: 2:23-cv-01164-RFB-BNW

ORDER

On July 24, 2023, pro se plaintiff Sherita Lee, an inmate in the custody of the Clark County Detention Center, submitted a complaint under 42 U.S.C. § 1983 and applied to proceed *in forma pauperis*. (ECF Nos. 1, 1-1). Plaintiff's application to proceed *in forma pauperis* is incomplete because Plaintiff did not complete an application on this Court's approved form. The Court will deny Plaintiff's application without prejudice and give Plaintiff the opportunity to correct this deficiency **by September 25, 2023**.

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her

1 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
2 See 28 U.S.C. § 1915(b).

3 As explained above, Plaintiff's application to proceed *in forma pauperis* is
4 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*
5 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing
6 fee or file the three-page application to proceed *in forma pauperis* on this Court's
7 approved form.¹

8 **II. CONCLUSION**


9 It is therefore ordered that the application to proceed *in forma pauperis* (ECF No. 1)
10 is denied without prejudice.

11 It is further ordered that Plaintiff has **until September 25, 2023**, to either pay the
12 full \$402 filing fee or file a completed application with the inmate's two signatures on page
13 3.

14 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
15 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
16 to refile the case with the Court, under a new case number, when Plaintiff can file a
17 complete application to proceed *in forma pauperis* or pay the required filing fee.

18 The Clerk of the Court is directed to send Plaintiff the approved form application to
19 proceed *in forma pauperis* for an inmate and instructions for the same and retain the
20 complaint (ECF No. 1-1) but not file it at this time.

21 DATED THIS 27th day of July 2023.
22

23
24 
25 BREND A WEKSLER
26 UNITED STATES MAGISTRATE JUDGE
27

28 ¹ Plaintiff submitted a completed financial certificate and inmate accounting statement. (ECF No. 1 at 6-17).